



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

MEH:ddj
Docket No: 5330-00
21 November 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1160 PERS 815 of 20 October 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

1160
PERS-815
20 Oct 00

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-00ZCB

Subj: BCNR PETITION ICC [REDACTED]
613-10-7449

Ref: (a) SNM's DD Form 149 dtd 28 Jul 00
(b) NAVADMIN 050/00
(c) NAVADMIN 132/99

Encl: (1) BCNR File

1. In response to reference (a), recommend disapproval of the petitioner's request.

a. The petitioner reenlisted at his EAOS of 21 July 2000 for three years and received a zone "A" SRB entitlement for the EN(0000) rate. Reference (b) released on 10 March 2000 with an effective date of 1 May 2000, listed the award level for the EN rate at 1.0 at the time the petitioner reenlisted.

b. The petitioner requests to backdate his 21 July 2000 reenlistment to 27 February 2000 and receive the zone "A" SRB entitlement while in a tax free zone. The petitioner states that during the timeframe of 27 February 2000 the USS MCFAUL was within the Adriatic tax free area.

c. Reference (c) released 30 April 1999 listed the zone "A" SRB entitlement for the EN rate with an award level of 0.5 at the time the petitioner was within the Adriatic tax free area.

d. The petitioner received a total SRB amount of \$4,341.00 upon the date of his zone "A" SRB reenlistment of 21 July 2000. If the petitioner backdated his zone "A" SRB reenlistment to 27 February 2000 he would receive a total amount of \$1,795.67.

e. The petitioner will not financially benefit in backdating his zone "A" SRB reenlistment of 21 July 2000 to 27 February 2000 within the tax free area of the Adriatic.

2. In view of the above, recommend the petitioner's record remain as is.

Subj: BCNR PETITION ICO [REDACTED] USN,
[REDACTED]

3. This is an advisory memorandum to reference (a) for use by the Board for Correction of Naval Records (BCNR) only. Enclosure (1) is returned.

[REDACTED]
CDR/ USNR
Head,
Reenlistment Incentives Branch